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LETTER DATED 3 JANUARY 1996 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In his letter dated 22 December 1995 addressed to your predecessor (S/1995/1059, annex), the Federal Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro), Radoje Kontić, presented a number of claims that are untrue, in order to justify his Government's request for prolongation of the United Nations presence on the Prevlaka peninsula in the Republic of Croatia, following the expiry of the mandate of the United Nations Confidence Restoration Operation in Croatia (UNCRO).

Firstly, Croatia cannot accept the notion that there is a "territorial dispute between the Federal Republic of Yugoslavia, i.e. the Republic of Montenegro, and the Republic of Croatia located in the Prevlaka peninsula in Boka Kotarska Bay." The boundary in the said area was undisputed and uncontested while Croatia was a constituent Republic within the former Socialist Federal Republic of Yugoslavia. In accordance with international law, all such borders came to be recognized as international borders among the five successor States of the Socialist Federal Republic of Yugoslavia. This legal fact was also confirmed by the European Community Arbitration Commission (Badinter Commission).

Secondly, the issues discussed at the Dayton proximity talks are well known, and the issue of the Prevlaka peninsula was not on the agenda. It was raised unilaterally. A unilateral claim to a part of the territory of another State can in no way be interpreted as a "firm commitment to a peaceful solution of the dispute in accordance with the Charter of the United Nations", especially in the light of the fact that the Federal Republic of Yugoslavia (Serbia and Montenegro) is still not prepared to recognize Croatia, despite the fact that the Security Council has on numerous occasions called for mutual recognition between all successor States of the Socialist Federal Republic of Yugoslavia, as a starting point for resolving all outstanding issues of contention in the region. Moreover, as such, a new and assertive claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to parts of the Prevlaka peninsula is contrary to the spirit and the letter of numerous Security Council and General Assembly resolutions protecting the territorial integrity of all successor States, including Croatia.

The Croatian Government remains available to discuss all pertinent issues, including full normalization of relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), but under one fair and objective condition: the discussion must be between two equal partners - between States that fully recognize each other within their internationally recognized borders.

In conclusion, since the Security Council has already decided that the UNCRO mandate in Croatia has ended effective 15 January, and thereby the United Nations mandate on the Prevlaka peninsula as well, and in view of the above-mentioned fact that the Prevlaka peninsula is an integral part of Croatia, the Croatian Government considers any and all requests designed and aimed at creating legal uncertainty and ambiguity regarding the status of parts of sovereign Croatian territory to be unacceptable, and contrary to the interest of peace and security in the region. Furthermore, the Basic Agreement, which the Council is presently considering in respect of implementation, is not in any way related to the Prevlaka peninsula, but exclusively to Eastern Slavonia, Baranja, and Western Sirmium, parts of Croatia, which should be respected and reflected in the upcoming action by the Council.

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Ambassador Mario NOBILO
Permanent Representative